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10/597,581

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Tor-Bjorn Hallberg

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FASTH LAW OFFICES (ROLF FASTH)  
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SOUTHERN PINES, NC 28387-4301

EXAMINER

WANG, JACK K

ART UNIT

PAPER NUMBER

2612

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/597,581	<b>Applicant(s)</b> HALLBERG, TOR-BJORN	
	<b>Examiner</b> JACK WANG	<b>Art Unit</b> 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) 12, 16, 24, 26, 28, 30 and 31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11, 13-15, 17-23, 25, 27 and 29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/14/2006</u> .   | 6) <input type="checkbox"/> Other: _____                          |

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### **DETAILED ACTION**

1. Claims 12, 16, 24, 26, 28, 30 and 31 are cancelled by applicant.
2. Claims 1-11, 13-15, 17-23, 25, 27, and 29 are pending in application.

### ***Information Disclosure Statement***

3. The listing of references in the Search Report is not considered to be an information disclosure statement (IDS) complying with 37 CFR 1.98. 37 CFR 1.98(a)(2) requires a legible copy of: (1) each foreign patent; (2) each publication or that portion which caused it to be listed; (3) for each cited pending U.S. application, the application specification including claims, and any drawing of the application, or that portion of the application which caused it to be listed including any claims directed to that portion, unless the cited pending U.S. application is stored in the Image File Wrapper (IFW) system; and (4) all other information, or that portion which caused it to be listed. In addition, each IDS must include a list of all patents, publications, applications, or other information submitted for consideration by the Office (see 37 CFR 1.98(a)(1) and (b)), and MPEP § 609.04(a), subsection I. states, "the list ... must be submitted on a separate paper." Therefore, the references cited in the Search Report have not been considered. Applicant is advised that the date of submission of any item of information or any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the IDS, including all "statement" requirements of 37 CFR 1.97(e). See MPEP § 609.05(a).

### ***Claim Objections***

4. Claim 7 is objected to because of the following informalities: missing period at end of the sentence. Appropriate correction is required.

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5. Claim 7 is objected to because of the following informalities: improper dependency to the parent claim. The claim currently reads "A monitoring device according to claim 7,..." has been interpreted as -- A monitoring device according to claim 3,...-- for the purpose of art rejection below. Appropriate correction is required.

6. Claim 25 is objected to because of the following informalities: improper claim depends to the cancelled claim. The claim currently reads "A method according to claim 24..." has been interpreted as -- A method according to claim 22,...-- for the purpose of art rejection below. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-6, 8-10, 13-15, 17-19, 21-23, 25, 27, and 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Glick et al. (Pub # US 2005/0134459 A1).

Consider claim 1, Glick et al. clearly shown and disclose a portable monitoring device (10, Fig. 1) for characterized in that it is comprises: monitoring means for monitoring the presence of at least one monitored item (100, Fig. 1), said monitoring means comprising: polling means for transmitting a poll signal to at least one carrier device arranged on a monitored item, said poll signal having predetermined characteristics identifying the monitoring device (100, Fig. 1) and the carrier, receiving means (32, Fig. 2A) for receiving a response signal from the

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monitored item [0006 lines 2-7], position means for identifying the monitored item on the basis of characteristics of the response signal [0012 lines 1-3], and output means (40, Fig. 2A) for controlling the function of a communication device on which the monitoring device is arranged [0050 lines 1-5].

Consider claim 2, Glick et al. clearly shown and disclose a monitoring device, wherein the position (range) means is arranged to determine the position (range) of the monitored item on the basis of characteristics of the response signal [0012 lines 7-11].

Consider claim 3, Glick et al. clearly shown and disclose a monitoring device, wherein the monitoring device further has action means for taking action if the position means determines that the distance between the monitoring device and the monitored item is greater than a predefined threshold distance [0012 lines 3-7].

Consider claim 4, Glick et al. clearly shown and disclose a monitoring device, wherein the monitoring device further has action means for taking action if no response signal is received within a predetermined period of time [0073 lines 6-12].

Consider claim 5, Glick et al. clearly shown and disclose a monitoring device, wherein said action means is arranged to take action by transmitting a deactivating signal to deactivate the monitored item [0023 lines 3-5].

Consider claim 6, Glick et al. clearly shown and disclose a monitoring device, wherein said action means is arranged to take action by issuing an alarm [0028].

Consider claim 8, Glick et al. clearly shown and disclose a monitoring device, wherein the action means is arranged to display the determined position of the monitored item on a display screen (54, Fig. 1).

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Consider claim 9, Glick et al. clearly shown and disclose a monitoring device, wherein the polling means is a short-range transmitter [0021 lines 17-20].

Consider claim 10, Glick et al. clearly shown and disclose a monitoring device, wherein the polling means is arranged to transmit the poll signal on a radio frequency [0021 lines 17-20].

Consider claim 13, Glick et al. clearly shown and disclose a carrier device (100, Fig. 1) arranged to be placed on a monitored item comprising: receiving means (114, Fig. 3A) for receiving a poll, signal from a monitoring device (10, Fig. 1), said poll signal having predetermined characteristics identifying the monitoring device and the carrier, response means for transmitting a response signal to the monitoring device (10, Fig. 1) [0056], said response signal enabling the monitoring device to identify the carrier device, and deactivation means for deactivating a function of the monitored item in response to a deactivating signal received from the monitoring device [0023 lines 3-5].

Consider claim 14, Glick et al. clearly shown and disclose the carrier device (100, Fig. 1), wherein the response means is arranged to transmit the response signal in response to the poll signal [0056 lines 4-8].

Consider claim 15, Glick et al. clearly shown and disclose the carrier device (100, Fig. 1), wherein the response means is arranged to transmit a response signal enabling the monitoring device to determine the position of the carrier device [0012 lines 3-7].

Consider claim 17, Glick et al. clearly shown and disclose a carrier device (100, Fig. 1), further comprising deactivation means for deactivating a function of the monitored item if no poll signal has been received from the monitoring device in a predefined period of time [0073 lines 6-12].

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Consider claim 18, Glick et al. clearly shown and disclose a carrier device, wherein said response means is a short-range transmitter [0021 lines 17-20].

Consider claim 19, Glick et al. clearly shown and disclose a carrier device, wherein said response means is a radio frequency transmitter [0021 lines 17-20].

Consider claim 21, Glick et al. clearly shown and disclose a carrier device, further comprising output means for controlling the function of an item on which the carrier device is arranged [0050 lines 1-5].

Consider claim 22, Glick et al. clearly shown and disclose a method for monitoring the presence of a monitored item comprising: the steps of transmitting a poll signal from a monitoring device (10, Fig. 1) to a carrier device (100, Fig. 1) arranged on the monitored item, said poll signal having predetermined characteristics identifying the monitoring device and the carrier device, transmitting a response signal from the carrier device (100, Fig. 1) to the monitoring device (10, Fig. 1) [0006 lines 2-7], said response signal enabling the monitoring device to determine the position of the carrier device, taking action if it is determined that the distance between the monitoring device and the carrier device is greater than a predetermined threshold distance [0012], deactivation by the carrier device of a function of the monitored item, transmitting a deactivating signal from the monitoring device (10, Fig. 1) to the carrier device (100, Fig. 1) [0023 lines 3-5], and taking action if no response signals received in the monitoring device within a predefined period of time [0073 lines 6-12].

Consider claim 23, Glick et al. clearly shown and disclose a method, wherein the response signal is transmitted in response to the pull signal [0006 lines 2-7].

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Consider claim 25, Glick et al. clearly shown and disclose a method, wherein the step of taking action includes issuing an alarm [0006 lines 2-7].

Consider claim 27, Glick et al. clearly shown and disclose a method, wherein the method further comprises the step of taking action if no poll signal is received in the carrier device within a predetermined period of time [0073 lines 6-12].

Consider claim 29, Glick et al. clearly shown and disclose a method, wherein the method further comprises the step of displaying the position of the carrier device (100, Fig. 1) on a display unit (54, Fig. 1) associated with the monitoring device (10, Fig. 1).

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Glick et al. (Pub # US 2005/0134459 A1) as applied to claim 3 above, and further in view of Swafford, JR. et al. (Pub # US 2005/0168345 A1).

Consider claim 7, Glick et al. teaches similar invention except a monitoring device, wherein the action means is arranged to activate a camera associated with the transmitting unit.

In the same field of endeavor, Swafford, JR. et al. teaches a monitoring device, wherein the action means is arranged to activate a camera associated with the transmitting unit [0018 lines 3-7] for the benefit of providing image to the user.



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Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the action means is arranged to activate a camera associated with the transmitting unit as shown in Swafford JR. et al., in Glick et al. device for the benefit of providing image to the user.

11. Claims 11 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glick et al. (Pub # US 2005/0134459 A1) as applied to claim 1 and 13 above, and further in view of Beri et al. (US Patent # 6,353,390 B1).

Consider claim 11, Glick et al. teaches similar invention except a monitoring device, wherein the polling means is arranged to transmit the poll signal by means of a telecommunication network.

In the same field of endeavor, Beri et al. teaches a monitoring device, wherein the polling means is arranged to transmit the poll signal by means of a telecommunication network (Abstract) for the benefit of utilize existing network structure.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the polling means is arranged to transmit the poll signal by means of a telecommunication network as shown in Beri et al., in Glick et al. device for the benefit of utilize existing network structure.

Consider claim 20, Glick et al. teaches similar invention except a carrier device, wherein said response means is arranged to 'transmit the response signal through a telecommunications network.

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In the same field of endeavor, Beri et al. teaches a carrier device, wherein said response means is arranged to transmit the response signal through a telecommunications network (Abstract) for the benefit of utilize existing network structure.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a carrier device, wherein said response means is arranged to transmit the response signal through a telecommunications network as shown in Beri et al., in Glick et al. device for the benefit of utilize existing network structure.

### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Glass (Pub # US 2005/0048987 A1) "Multi-dimensional graphical display of discovered wireless devices".
- b. Overhultz et al. (Pub # US 2005/0006466 A1) "Advertising compliance monitoring system".
- c. Snow (Pub # US 2007/0129012 A1) "Portable digital devices".

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JACK WANG whose telephone number is (571)272-1938. The examiner can normally be reached on M-F 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffery Hofsass can be reached on 571-272-2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JKW/

/Jeff Hofsass/

Supervisory Patent Examiner, Art Unit 2612